

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN LEWIS WAGNER,

Defendant.

Case No. 90-cr-40004-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on defendant John Lewis Wagner's motion for an extension of time to appeal the judgment revoking his supervised release (Doc. 354).

Federal Rule of Appellate Procedure 4 sets forth the timing rules relating to notices of appeal. Rule 4(b)(1) provides that, in a criminal case, generally a defendant must file any notice of appeal within 14 days of the later of (1) entry of the judgment or order from which the appeal is taken or (2) the government's notice of appeal. Fed. R. App. P. 4(b)(1)(A). The Court may extend the time to file a notice of appeal for excusable neglect or good cause. Fed. R. App. P. 4(b)(4). The Court may extend the deadline for no more than 30 days from the expiration of the 14-day period. *Id.*

The Court entered a judgment of revocation on October 31, 2013, and the government did not appeal that judgment. Therefore, Wagner had 14 days – until November 14, 2013 – to file a notice of appeal. The Court is therefore empowered to extend the deadline by 30 days to December 14, 2013. The Court has reviewed the motion and finds that counsel's difficulties communicating with Wagner prior to the expiration of the appeal period amount to good cause for extending that deadline. Therefore, the Court **GRANTS** the motion (Doc. 354) and **ORDERS** that the deadline for filing a notice of appeal is extended to Friday, December 13, 2013.

IT IS SO ORDERED.

DATED: December 2, 2013

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE